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Counsel for Defendants and Nominal Defendant

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA**

DOREEN R. LAMPERT, Derivatively on Behalf
of CELSIUS HOLDINGS, INC.,

Plaintiff,

v.

JOHN FIELDLY, NICHOLAS CASTALDO,
CAROLINE LEVY, HAL KRAVITZ,
ALEXANDRE RUBERTI, CHERYL S.
MILLER, DAMON DESANTIS, JOYCE
RUSSELL, AND JAMES NEGRON,

Defendants,

and

CELSIUS HOLDINGS, INC.,

Nominal Defendant.

Case No. 3:23-cv-00017-ART-CSD

**JOINT STIPULATION TO
CONFORM DEADLINES FOR
DEFENDANTS AND NOMINAL
DEFENDANT TO RESPOND TO
PLAINTIFF'S COMPLAINT**

Plaintiff Doreen R. Lampert ("Plaintiff"), Nominal Defendant Celsius Holdings, Inc. ("Celsius"), and Defendants John Fieldly, Nicholas Castaldo, Caroline Levy, Hal Kravitz, Alexandre Ruberti, Cheryl S. Miller, Damon DeSantis, Joyce Russell (the "Director Defendants"), and Edwin Negron-Carballo (with Mr. Negron, the "Individual Defendants" and together with Celsius, collectively, the "Defendants"), hereby stipulate and agree, and respectfully request the Court enter an Order, to extend the time for Defendant Celsius to respond to the Complaint in the above-styled shareholder derivative litigation (the "Derivative Action") as follows:

1 **WHEREAS**, the Derivative Action was filed by Plaintiff on January 11, 2023, alleging
2 claims for breach of fiduciary duty against the Director Defendants; claims for insider selling and
3 misappropriation of information against Defendant John Fieldly; claims for unjust enrichment
4 against the Individual Defendants; and claims for securities fraud under the Securities Exchange
5 Act of 1934 and SEC Rule 10b-5 thereunder against the Director Defendants;

6 **WHEREAS**, Federal Rule of Civil Procedure 4(d) states, “[a]n individual, corporation, or
7 association that is subject to service under Rule 4(e), (f), or (h) has a duty to avoid unnecessary
8 expenses of serving the summons.”

9 **WHEREAS**, on January 18, 2023, Defendants, through their counsel, requested that
10 Plaintiff send Waivers of the Service of Summons, pursuant to Federal Rule of Civil Procedure
11 4(d), for execution;

12 **WHEREAS**, on January 19, 2023, Plaintiff effectuated the service of summons on
13 Defendant Celsius;

14 **WHEREAS**, on January 20, 2023, Plaintiff, through her counsel, sent Waivers of the
15 Service of Summons for the Individual Defendants;

16 **WHEREAS**, the Individual Defendants, through their counsel, have executed and returned
17 to Plaintiff’s counsel Waivers of the Service of Summons;

18 **WHEREAS**, pursuant to Federal Rule of Civil Procedure 12, Defendant Celsius’s deadline
19 to move against, answer, or otherwise respond to the Complaint is February 9, 2023;

20 **WHEREAS**, pursuant to Federal Rules of Civil Procedure 4 and 12, the Individual
21 Defendants’ deadline to move against, answer, or otherwise respond to the Complaint is March 21,
22 2023;

23 **WHEREAS**, the Parties agree Defendant Celsius’s deadline to move against, answer, or
24 otherwise respond to the Complaint should be aligned with the Individual Defendants’ deadline to
25 do the same;

26 **WHEREAS**, the Parties believe such an extension of the time for Defendant Celsius to
27 respond to the Complaint will promote the efficient and orderly administration of justice;

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1 NOW, THEREFORE, the Parties hereby stipulate and agree, and respectfully request that
2 the Court enter an Order, as follows:

3 1. The deadline for Defendant Celsius to respond to the Complaint shall be March 21,
4 2023.

5 DATED this 2nd day of February, 2023.

6 Respectfully submitted:

7 **MATTHEW L. SHARP, LTD.**

SALTZMAN MUGAN DUSHOFF

9 By /s/ Matthew L. Sharp
10 MATTHEW L. SHARP, ESQ.
11 Nevada Bar No. 4746
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Reno, NV 89501

12 Attorney for Plaintiff
13 DOREEN R. LAMPERT

BY /s/ Matthew T. Dushoff
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Counsel for Defendants and Nominal
Defendant

16 **ORDER**

17 IT IS SO ORDERED.

18 DATED: February 3, 2023.

19 
UNITED STATES MAGISTRATE JUDGE

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27 *Doreen R. Lampert, et c. v. John Fieldly, et al.*/Case No. 3:23-cv-00017-ART-CSD
28 Joint Stipulation to Conform Deadlines for Defendants and Nominal Defendant to Respond to Plaintiff's
Complaint